HON'BLE MS JUSTICE G. ROHINI

W.P.NO. 11769 OF 1999

DATED: 11.10.2007

Between:

K. Balaji Rao

… Petitioner

and

The Joint Collector, Chittoor District and others

…

Respondents

HON'BLE MS JUSTICE G. ROHINI

W.P.NO.11769 OF 1999

ORAL ORDER:

The petitioner, who claims to be in possession of Ac.2.60 cents of land situated in Sy.No.8 of B.K. Palli Village, Madanapalli Mandal, under "Eksal patta" granted in the name of his paternal uncle, filed this writ petition seeking a declaration that the order passed by the 1st respondent-Joint Collector dated 6.5.1999, rejecting the petitioner's claim for grant of 'D' form patta in respect of the said land, is arbitrary and illegal.

In the counter affidavit filed on behalf of the respondents 1 to 3, the impugned order was justified stating that since the land was classified as 'tank poramboke', the assignment as claimed by the petitioner cannot be granted.

The 4th respondent-association, which got itself impleaded to the writ petition, filed a separate counter affidavit, stating that the possession of the land in question was taken by the authorities on 20.6.1999 and tree pattas were granted to 142 members of the 4th respondent-association on 29.6.1999. It is further stated that

they were also put in possession of the respective trees allotted to them and since then the land in question continued to be in their possession and enjoyment.

The petitioner has not filed any affidavit in reply and no other material is placed before this court, contradicting the stand taken by the respondents in their counter affidavit.

Having regard to the facts and circumstance of the case and since the petitioner is not in possession of the land in question as on today, the relief cannot be granted and the writ petition is dismissed. There shall be no order as to costs.

G. ROHINI, J

Date: 11.10.2007

cvm